



**DRAFT  
PLANNING & COMMUNITY  
DEVELOPMENT COMMITTEE  
and  
PUBLIC WORKS COMMITTEE**

**FEBRUARY 8, 2010  
JOINT STUDY SESSION MINUTES**

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**I. CALL TO ORDER**

Co-Chair Rich Wagner called the meeting to order at 5:35 p.m. in the Council Chambers located on the first floor of Auburn City Hall, 25 West Main Street, Auburn, WA.

Committee members present were: Planning & Community Development Committee Chair Lynn Norman, Planning & Community Development Committee Vice Chair Nancy Backus, Public Works Chair Rich Wagner, Public Works Committee Vice Chair Sue Singer and Public Works Committee Member Bill Pelosa.

Staff members present included: Mayor Pete Lewis, Interim Planning & Development Director Kevin Snyder, Environmental Protection Manager Chris Andersen, Environmental Planner Jennifer Shih, Public Works Director Dennis Dowdy, Assistant City Attorney Steve Gross, Storm Water Engineer Tim Carlaw, and Planning Secretary Renee Tobias.

Other audience members present included: Wayne Osborne, Mara Heiman, Eric Turbak, Brittany Bernard, Shannon Thornton, Allison Montgomery, and Austin Phillips.

**II. JOINT STUDY SESSION WITH PUBLIC WORKS COMMITTEE**

**A. Flood Plain/Flood Hazard Area Regulations Update**

This is a continuation of the February 3, 2010 special meeting held by the Planning and Community Development and Public Works Committees to discuss key issues, ideas and elements for the revision of the City's current floodplain and flood hazard area regulations, specified in Chapter 15.68 (Flood Hazard Areas) of the Auburn City Code. The City of Auburn will be updating these regulations in response to rule-making efforts by the Federal Emergency Management Agency (FEMA) that includes the issuance of a model ordinance for potential use by affected local governments.

Assistant City Attorney Steve Gross reported that the Legal Department had previously advised that an ordinance within the jurisdiction of the Planning Commission should be reviewed and approved by the Commission well before any detailed code language was presented to the Committee. However, in this case, Legal recommends that the complete package of code changes go to both the Planning Commission and the Committees according to the schedule previously reviewed.

Environmental Protection Manager Andersen stated that staff would provide an overview of the alternative floodplain scenarios as requested by Committee members at the February 3, 2010 meeting.

Storm Drainage Engineer Tim Carlaw and Environmental Planner Jennifer Shih reviewed three FEMA maps with the Committees. Firstly, the 1995 Existing FEMA Flood Zone (current) map, noting the Special Flood Hazard Areas (SFHA), Channel Migration Zones, Floodways and Riparian Habitat Zones. Secondly, the 2007 FEMA proposed digital Flood Insurance Rate Map (FIRM) map. FEMA had hoped to adopt this map in 2008, but did not. Thirdly, the Appeal FEMA Flood Zone map that King County and the Valley Cities collaborated on as part of the appeal process. Mr. Andersen noted that while the FEMA revised floodplain mapping effort is a separate activity from the development and implementation of the proposed floodplain regulations, it affects the geographic jurisdiction of the proposed regulations.

Mr. Gross pointed out that the Riparian Habitat Zones are not buffers in which no development is allowed, but rather that they are zones within which development proposals would need to assess potential habitat impacts, and mitigate any impacts that are identified.

#### **Appendix F – Biological Opinion Checklist**

Staff distributed Appendix F. Biological Opinion Checklist from the City of Auburn's NFIP-ESA Checklist.

Mr. Gross reviewed Appendix F – Biological Opinion Checklist with the Committees. Jurisdictions must show where its regulations, processes and procedures meet the minimum criteria for the National Flood Insurance Program (NFIP) and Endangered Species Act (as clarified by the Biological Opinion).

Item 2: Part of the Mapping Criteria is new language. When FEMA prepares future flood plain maps, they will review any changes upstream, zoning changes in the urban area and look at new levees, higher levees or levee setbacks.

Item 4: The Committee and staff discussed what constituted pre-development hydrologic conditions, which included forests and trees. Additionally, to assist with commercial businesses, wording has been added that would allow hazardous materials to be kept in approved containers above the base floodplain elevation or in a dry floodproofed non-residential building.

Item 5: This is a new requirement to create Habitat Protection Standards, which includes a ten percent requirement for improvements or repairs to existing structures with a footprint requirement and plan to mitigate any adverse impacts. Removal of native vegetation shall not exceed 35% of the surface area of the site in the floodplain. Staff explained that the NMFS Bi-Op language prohibits new road crossings over streams, but that the draft FEMA model ordinance allows such crossings as long as any floodplain impacts are mitigated. Staff will contact FEMA and confirm the City's interpretation of the draft model ordinance that new crossings are not prohibited, but that the applicant would need to analyze the impact on protected habitat and mitigate. Based on the FEMA language, staff also believes that the new requirements do not preclude replacing, repairing, or expanding current crossings provided the impacts on habitat are analyzed and mitigated.

**Chapter 14.03 – Types of Project Permit Decisions**

Mr. Andersen responded to Committee's question regarding Special Home Occupation permits, stating that there are a very limited number of types of business that require a Special Home Occupation Permit. For most types of business, if the applicant meets all of the code requirements for a home occupation, it is an administrative decision. If the proposed home occupation cannot meet the code requirements for a Home Occupation Permit, it would require a Special Home Occupation Permit.

**Chapter 15.68 – Flood Hazard Areas**

The Committees and staff reviewed the changes to Chapter 15.68 – Flood Hazard Areas. Assistant City Attorney Steve Gross identified areas of flexibility mostly related to the Community Rating System (CRS). The City's rating has a direct affect on how much the citizens pay for flood insurance.

Section 15.68.060.B(3): Where base flood elevation data are not available from other sources, applicants for new subdivisions and other proposed developments greater than 50 lots or 5 acres, whichever is the lesser, shall include such data with their permit applications. Mr. Gross indicated that the City can be more restrictive and require all applicants to provide the data, not just those in the regulatory flood plain. Should the city to choose do this, FEMA will give extra Community Rating System credit.

Storm Drainage Engineer Tim Carlaw stated that the National Flood Insurance Program (NFIP) provides incentives in the form of insurance premium discounts for policy holders within the communities that go beyond the minimum floodplain management requirements. The discounts are based on the Community Rating System (CRS). Communities meeting the minimum standards enter the CRS with a Class 10 rating, which provides no discount. The City has achieved sufficient points that it is currently rated a Class 5; therefore denoting a 25% discount in premiums for policy holders. There is opportunity to acquire additional points which may help the City to achieve a lower class. Once the model ordinance and the scoring of the Community Rating System are completed, the City will discover if a lower class was achieved.

Staff answered questions asked by the Committees regarding channel migration delineation.

Section 15.68.060.N and O: Mr. Gross pointed out several additional Community Rating System credit opportunities listed in Sections 15.68.060.N and O, noting that each new requirement may come with some increased cost to the applicant.

Section 15.68.060.GG: At the Committees' request, staff will review 15.68.060.GG regarding assessed versus appraised value for the cost of restoring substantial damage to a structure. By being more restrictive, the City would receive additional CRS credit but the property owner would be limited in repairing the structure.

Section 15.68.125: A new provision that the Hearing Examiner shall hear and decide appeals.

Section 15.68.135: A new section addressing the requirements for a Floodplain Development permits application.

Section 15.68.160.A(4): The requirement for the lowest finished surface elevation design of all new streets is the 100-year flood elevation. The City receives additional Community Rating System credit for requiring one foot higher than the 100-year flood elevation which staff recommends keeping.

Section 15.68.170.A(7): The intent of the language to keep people from being trapped in a flooded basement. Committee asked staff to revise the language to better identify the intent.

Committee asked staff to include a recital clause indicating how these regulations came to be, including the Biological Opinion and associated Federal requirements.

Staff will forward Sections 16, 17, and 18 to the Committee for their review and feedback. Mr. Gross will consolidate all feedback for discussion at the Committee's respective meeting.

The Committee and staff reviewed the Work Plan for completion of the final model ordinance.

### III. ADJOURNMENT

There being no further business to come before the Planning and Community Development Committee, Co-Chair Wagner adjourned the meeting at 7:08 p.m.

APPROVED THIS \_\_\_\_\_ DAY OF FEBRUARY, 2010.

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Rich Wagner, Co-Chair

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Lynn Norman, Co-Chair

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Renee S. Tobias, Planning Secretary



DRAFT

**PLANNING & COMMUNITY  
DEVELOPMENT COMMITTEE  
AND  
PUBLIC WORKS COMMITTEE**

**FEBRUARY 3, 2010  
SPECIAL MEETING MINUTES**

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**I. CALL TO ORDER**

Co-Chair Rich Wagner called the meeting to order at 6:07 p.m. in the Council Chambers located on the first floor of Auburn City Hall, 25 West Main Street, Auburn, WA. Committee members present were: Planning and Community Development Chair Lynn Norman, Public Works Chair Rich Wagner, Public Works Vice-Chair Sue Singer, and Member Bill Peloza.

Staff members present included: Mayor Pete Lewis, Interim Planning and Development Department Director Kevin Snyder, Environmental Protection Manager Chris Andersen, Environmental Planner Jennifer Shih, Assistant City Attorney Steven Gross, Public Works Director Dennis Dowdy, Storm Drainage Engineer Tim Carlaw and Public Works Secretary Jennifer Rigsby.

Also in attendance: Jeff Spencer from BCR, Citizens Mara Heiman, Eric Turbut, Howard and Sharon Cottier.

**II. JOINT STUDY SESSION WITH PUBLIC WORKS COMMITTEE**

The Planning and Community Development and Public Works Committees and staff held a special meeting to discuss key issues, ideas and elements for the revision of the City's current floodplain and flood hazard area regulations, currently specified in Chapter 15.68 (Flood Hazard Areas) of the Auburn City Code. The City of Auburn will be updating these regulations in response to rule-making efforts by the Federal Emergency Management Agency (FEMA) that includes the issuance of a model ordinance for potential use by affected local governments.

Interim Planning and Development Department Director Snyder provided background information about the impending National Flood Insurance Program (NFIP) regulatory requirements. Staff participated in a multi-jurisdictional task force, facilitated by the Federal Emergency Management Agency (FEMA) that provided input into the development of the model ordinance, which will be distributed to local jurisdictions for use in adopting floodplain regulations that meet the minimum requirements of the Endangered Species Act (ESA) Biological Opinion (Bi-Op). Staff feels they have gathered enough information where they can begin work on developing the City's updated regulations to correspond and comply with the FEMA requirements. Environmental Protection Manager Andersen responded to questions asked by Co-Chair Wagner regarding the guidance documents being developed by FEMA that are to be used when adopting the model ordinance.

Mr. Snyder outlined the agendas for the two joint meetings of the Committees and reviewed the materials that will be discussed. Snyder explained staff is concurrently working with the Planning Commission on necessary changes to Titles 16, 17, and 18, but the primary changes in City regulations will need to be made to Title 15, specifically Chapter 15.68 – Floodplain Regulations. The Planning Commission will be holding a Public Hearing on February 23, 2010 to develop recommendations to the City Council for changes to Titles 16, 17, and 18. Staff is working with the Planning and Community Development and Public Works Committees to make the changes required in Title 15. There will also be a public open house to provide an update to citizens as to where staff is in updating the regulations, prior to staff presenting the changes to the City Council for consideration. The goal is to have a draft ordinance before the City Council for potential adoption on March 15, 2010. Co-Chair Wagner requested a review of staff's schedule and milestones for the development of the ordinance. Staff agreed to review the schedule with the Committee prior to adjournment of the meeting.

Mr. Andersen reviewed the materials that were distributed to the Committee and staff for the meeting and the study session format.

Storm Drainage Engineer Tim Carlaw gave an overview of the National Flood Insurance Program (NFIP) and explained the Special Flood Hazard Areas (SFHAs) in the City of Auburn. The NFIP provides incentives in the form of insurance premium discounts for policy holders within the communities that go beyond the minimum floodplain management requirements. The discounts are based on the Community Rating System (CRS). Communities meeting the minimum standards enter the CRS with a Class 10 rating, which provides no discount. Subsequent class reductions are equal to a 5% discount. The community is scored based on efforts to address certain programs, such as the requirement of compensatory flood storage for filling in the floodplain and the minimum one foot (1') finished floor above base flood elevation requirement. The City has achieved enough points that it is currently rated a Class 5 therefore denoting a 25% discount in premiums for policy holders.

The initial flood insurance rates maps for the City were established in 1981. The most recent map was established in 1995. Carlaw answered questions asked by Co-Chair Wagner regarding FEMA's national digital flood insurance rate map update and the determination that the Green River required additional study and review. The City of Auburn, King County, and other valley cities appealed the proposed updated FEMA maps in 2008. The appeal is ongoing.

Assistant City Attorney Steve Gross spoke about the State vesting doctrine, changes in Federal regulations and how that may affect permit applicants following the adoption of the updates to Title 15 and prior to the issuance of the updated FEMA map, following questions asked by Co-Chair Wagner.

Mr. Carlaw reviewed the Draft Existing FEMA Flood Zone map with the Committees, focusing on the Special Flood Hazard Areas (SFHA) and Floodways.

Environmental Protection Manager Andersen provided the Committees with background information on the Biological Opinion (Bi-Op) issued by the National Marine Fisheries Service (NMFS). The Bi-Op explains how implementation of the NFIP affects species and their habitats listed under the ESA. The opinion also includes a series of 7 actions that NMFS is recommending FEMA undertake in order to meet the requirements of the

ESA when implementing the NFIP. The actions are referred to as Reasonable and Prudent Alternatives (RPAs). Implementation is required starting in September 2010.

The RPA to revise the minimum criteria and require communities to consider and mitigate for impacts on fish habitat from development, is what is currently driving the need for amendments to Auburn City Code.

Mr. Andersen discussed staff's approach to implementation of the RPAs. Staff was notified in October 2008 of the Bi-Op. November 17, 2008 a moratorium for development in the floodplain was enacted by the City, as per the recommendation of NMFS and FEMA. The City established an internal Floodplain Review Committee to review proposals for development in the floodplain under the current moratorium. Currently, staff is working on developing the subject amendments to City Code, which are proposed to be adopted initially as interim regulations, which would become final upon approval by FEMA. Mr. Gross discussed the difference between the interim and final regulations. Gross explained the process of adopting the final regulations, following receipt of the model ordinance, following questions asked by Member Pelozo.

Mr. Andersen reviewed the key elements of the model ordinance and a draft map with the Committees, highlighting the areas outlined in red, which represent the additional area that would be regulated under the new requirements. This area is called the Riparian Habitat Zone. In most cases the Riparian Habitat Zone would be located within the SFHA and would not represent an increase in regulated area. Andersen discussed the regulatory floodplain which will include the Riparian Habitat Zone as well as the SFHA. Andersen answered questions asked by Mayor Lewis regarding how the provisions of the model ordinance would apply to existing developed neighborhoods. Andersen spoke about habitat assessment and habitat mitigation in the regulated areas.

Other key elements of the ordinance include the requirement for a Floodplain Development Permit and additional Floodplain Development Standards.

Mr. Andersen answered questions asked by Member Pelozo regarding how the Riparian Habitat Zones were determined. Mr. Gross pointed out that the Riparian Habitat Zones are not buffers which would allow no development, but rather they are zones within which development proposals would need to assess potential habitat impacts, and mitigate any impacts that are identified.

Co-Chair Norman clarified the key elements of the ordinance with staff. Mr. Gross discussed the model ordinance and its incorporation into the City's code. The City is already regulating floodplains and a lot of the requirements from the Federal agencies, the City is already meeting. The majority of changes to the City code are mandates from the Federal government. At the next study session staff will review the existing code and the additions to the code, but there is very little room for optional language in the code changes.

Staff answered questions asked by Co-Chair Norman regarding off-site mitigation of habitat.

Mr. Gross reviewed Appendix B – NFIP Ordinance Checklist with the Committees.

Item 2: This is a new requirement to create a specific Floodplain Development Permit. Andersen discussed some of the changes that will need to be made to the permitting process for development in the floodplain, following questions asked by Member Pelosa. The Committees and staff discussed the possibility of a cost increase and new permit fee schedules.

The Committee discussed the additional costs to developers in having to comply with the new criteria for developing in a floodplain and the affect that may have on the City's economic recovery. Staff discussed the possibility of the City conducting habitat impact analysis on a corridor level and using that as a tool for economic development.

Items 4 and 5: Provide certainty for the process of prioritizing what information the City and developers use to make decisions.

Item 10: The model ordinance and Bi-Op consider the act of subdividing land to be development.

Item 15: A new provision requires review of the cumulative impacts of the proposed development on the surface elevation of the base flood on the surrounding community.

Item 23: The definition of "development" was changed to include subdivisions. The definition of "recreational vehicles" was slightly changed. The requirements for and definition of "start of construction" are still being worked on by staff and the Building Official.

Assistant City Attorney Gross stated the ordinance, as the changes to Chapter 15.68 are adopted, will include language similar to the language in the Critical Areas ordinance which states if any of the provisions of the Critical Areas ordinance conflicts with anything else in the City Code, the provision that provides the most protection will prevail.

The Committee and staff discussed the process of applying for a variance.

Staff answered questions asked by Co-Chair Wagner regarding the Revised NFIP-ESA/Auburn City Code Crosswalk (January 22, 2010). Staff described the process that will be used to monitor permitting. The Committees and staff discussed whether or not the new regulations would affect the construction of a bridge at 8<sup>th</sup> Street NE.

The Committee and staff discussed The City of Auburn's FEMA Mandates (Original Crosswalks 2009).

The Committee voiced concern regarding the ratios for habitat mitigation.

The Committee and staff reviewed the Work Plan for completion of the final model ordinance.



**III. ADJOURNMENT**

There being no further business to come before the Planning and Community Development and Public Works Committees, Co-Chair Wagner adjourned the meeting at 7:41 p.m.

Approved this \_\_\_\_\_ day of February 2010.

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Rich Wagner  
Co-Chair

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Jennifer Rigsby  
Public Works Secretary